

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SUSAN SOLTANPOUR,

Plaintiff,

-against-

MARGUERITE ENDRIZZI,

Defendant.

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**MEMORANDUM DECISION
AND ORDER**

07 Civ. 9886 (GAY)

On or about November 8, 2007, plaintiff Susan Soltanpour commenced the instant diversity action arising from a motor vehicle accident which occurred on February 18, 2005 in Scarborough, Maine. At the time of the accident, plaintiff was operating a motor vehicle bearing New York State license plates. Plaintiff's vehicle came in contact with a motor vehicle registered in the State of Maine, owned by defendant Marguerite Endrizzi and operated by her daughter, Julie Endrizzi.

On June 3, 2008, the parties consented to the exercise of jurisdiction by the undersigned for all purposes, pursuant to 28 U.S.C. §636(c). Presently before this Court is plaintiff's motion for partial summary judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure. Specifically, plaintiff contends that she is entitled to judgment on the issue of liability and requests that trial proceed solely on the issue of damages. A review of the parties' submissions, however, reveals numerous triable factual issues including, but not limited to, whether the actions of all parties involved was appropriate under the circumstances. Accordingly, plaintiff's motion is **DENIED**.

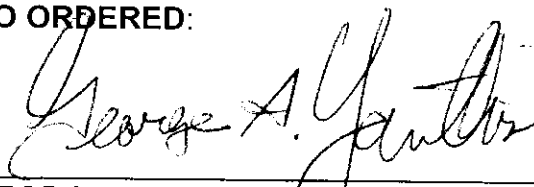
A telephone conference will be conducted on June 2, 2009 at 9:00 a.m.

Plaintiff shall initiate the call.

The Clerk of the Court is directed to terminate the pending motion (Docket #12).

Dated: May 15, 2009
White Plains, New York

SO ORDERED:



GEORGE A. YANTHIS, U.S.M.J.